

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD FLOYD SANDOVAL,

Defendant.

4:16-CR-3084

ORDER

This matter is before the Court on the presentence report's recommendation for a presentence study of the defendant pursuant to [18 U.S.C. § 3552\(b\) and \(c\)](#). Neither the government nor the defendant opposes the motion. Being fully advised in the premises, the Court will order that the presentence study be done.

In preparation for sentencing, the defendant has submitted a report from his mental health treatment provider opining on his mental condition, particularly as it relates to his suitability for incarceration in certain types of prison facilities, and whether his mental health medication and therapeutic treatment needs would be met in the type of custody that his mental health treatment provider thinks would be necessary for his well-being. The Court agrees with the probation officer that for purposes of sentencing, the Court should also be advised by the Bureau of Prisons. The Court specifically finds, pursuant to [§ 3552\(b\)](#), that there is a compelling reason for the study to be performed by the Bureau of Prisons.

IT IS ORDERED:

1. The probation officer's recommendation for a Bureau of Prisons Presentencing Study is granted.
2. Pursuant to [18 U.S.C. § 3552\(b\) and \(c\)](#) and [18 U.S.C. § 4244\(b\)](#), the Bureau of Prisons shall evaluate the defendant and advise the Court, in writing, regarding:
 - a. The defendant's present mental condition;

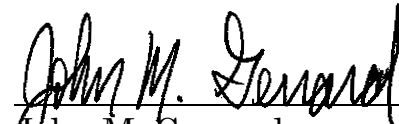
- b. The defendant's likely ability to function in a traditional prison environment;
 - c. Whether the Bureau of Prisons can provide the defendant with appropriate medication and mental health treatment if he is incarcerated, including consideration of whether such treatment would be available if the defendant's condition requires him to be kept in protective custody;
 - d. The sentencing alternatives that could best accord the defendant the kind of treatment he needs; and
 - e. Any other matters that the Bureau of Prisons believes to be pertinent to the factors set forth in [18 U.S.C. § 3553\(a\)](#).
- 3. The Bureau of Prisons' report shall be completed within the time provided by § 3552(b), including reasonable extensions of time.
 - 4. Craig Ford, the U.S. Probation and Pretrial Services officer assigned who prepared the presentence report, shall gather all the pertinent mental health and medical records, together with the presentence report, and provide them to the Bureau of Prisons. Such records shall include the opinion letter authored by the defendant's mental health treatment provider, Dr. Kenneth Downing. Furthermore, Mr. Ford shall facilitate the implementation of this Order and coordinate this case with the Bureau of Prisons.
 - 5. The sentencing hearing is continued until further order of the Court. Upon receipt of the report from the Bureau of Prisons, the Court will enter an order setting a date for sentencing.
 - 6. Copies of this order shall be provided to counsel of record, the United States Marshal, and the Office of Probation and Pretrial Services.
 - 7. The United States Marshal shall maintain custody of the defendant, and advise the Bureau of Prisons of this Order,

obtain the designation of when and where the evaluation will be conducted, and transport the defendant to the appropriate facility to carry out the evaluation pursuant to 18 U.S.C. § 3552(b) and (c), and 18 U.S.C. § 4244(b). The defendant shall remain in the custody of the United States Marshal until transport is completed. After that, the Bureau of Prisons shall detain the defendant for such time as is necessary to complete its evaluation of him. Upon completion of the evaluation, the Bureau of Prisons shall advise the Court, and the U.S. Marshal shall then retain custody of the defendant and transport him to court on the date set for sentencing.

8. The Clerk of the Court is directed to set a case management deadline for February 27, 2017, with the following docket text: Check status of defendant's evaluation pursuant to December 28 order.

Dated this 28th day of December, 2016.

BY THE COURT:



John M. Gerrard
United States District Judge